

U.S. Department of Justice
United States Marshals Service

PROCESS RECEIPT AND RETURN

See instructions for "Service of Process by U.S. Marshal"

PLAINTIFF UNITED STATES OF AMERICA	COURT CASE NUMBER CIVIL NO. 97-1209 (GG)
DEFENDANT GILBERTO MALAVE NUÑEZ	TYPE OF PROCESS NOTICE OF SALE

SERVE AT { NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN
CLERK, U.S. DISTRICT COURT
 ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code)
SAN JUAN, PR

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW	Number of process to be served with this Form 285	1
REBECCA VARGAS VERA Assistant U.S. Attorney Torre Chardón, Suite 1201 350 Carlos E. Chardón Street Hato Rey, PR 00918 Attn: Foreclosure Unit/GGB/RLP Claim No. 2003v00296	Number of parties to be served in this case	1
	Check for service on U.S.A.	

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available for Service):

Fold

PLEASE INITIAL NOTICE OF SALE AND HOLD PENDING SALE. SERVE ONE **8 AM**

COPY TO CLERK, U.S. COURT AND TWO TO OUR OFFICE.

Signature of Attorney other Originator requesting service on behalf of: REBECCA VARGAS VERA	<input type="checkbox"/> PLAINTIFF <input type="checkbox"/> DEFENDANT	TELEPHONE NUMBER (787) 766-5656	DATE 11/12/04
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SPACE BELOW FOR USE OF U.S. MARSHAL ONLY-- DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated. (Sign only for USM 285 if more than one USM 285 is submitted)	Total Process 1	District of Origin 69	District to Serve 69	Signature of Authorized USM Deputy or Clerk R.S.	Date 11-24-04
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I hereby certify and return that I ☐ have personally served, ☐ have legal evidence of service, ☒ have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above on the on the individual, company, corporation, etc. shown at the address inserted below.

☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc. named above (See remarks below)

Name and title of individual served (if not shown above)

☐ A person of suitable age and discretion then residing in defendant's usual place of abode

Address (complete only different than shown above)

Date
11-24-04 Time
4:00 am
Signature of U.S. Marshal or Deputy

Service Fee \$20.00	Total Mileage Charges including endeavors	Forwarding Fee	Total Charges \$20.00	Advance Deposits	Amount owed to U.S. Marshal* or (Amount of Refund*)
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REMARKS:

NOTICE OF SALE, COPY ATTACHED HERETO TO FILE WITH CLERK. RETURNED TWO COPIES TO REQUESTOR.

PRIOR EDITIONS MAY BE USED

PRINT 5 COPIES:

1. CLERK OF THE COURT
2. USMS RECORD
3. NOTICE OF SERVICE
4. BILLING STATEMENT*: To be returned to the U.S. Marshal with payment, if any amount is owed. Please remit promptly payable to U.S. Marshal.
5. ACKNOWLEDGMENT OF RECEIPT

FORM USM-285
Rev. 12/15/80
Automated 01/00

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA
(Rural Development)

Plaintiff

v.

GILBERTO MALAVET NUNEZ

Defendant

CIVIL NO. 97-1209 (GG)

FORECLOSURE OF MORTGAGE

RECEIVED
DEC -2 PM 12:58

NOTICE OF SALE

To: **GILBERTO MALAVET NUNEZ**, and any other party with interest over the property mentioned below.

WHEREAS: Judgment in favor of the United States of America was entered for the principal aggregate amount of \$35,217.80 plus \$21,611.08 in interest accrued as of May 5, 2003, plus \$8.44 per day from then on until payment in full, plus attorney's fees and costs, plus any charge, fee, cost or disbursement that may have been incurred by plaintiff according to the terms of the promissory note or mortgage loan being foreclosed.

The records of the case and of these proceedings may be examined by interested parties at the Office of the Clerk of the United States District Court, Federal Building, Chardón Avenue, Hato Rey, Puerto Rico.

WHEREAS: Pursuant to the terms of the aforementioned judgment and the order of execution thereof, the following property

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belonging to the defendant will be sold at public auction:

"Solar sito en la Urbanización El Parque en el Barrio Florida Afuera del Municipio de Barceloneta, Puerto Rico, que lleva el número Tres (3) del bloque "B" del Plano de Inscripción. Tiene una cabida superficial de Ciento Setenta y Seis metros cuadrados y Cuarenta y Nueve centésimas de otro (176.49), en lindes por el Norte, en veintiseis metros y cuarenta y dos centésimas de otro (26.42) con el solar B-Cuatro (B-4); por el Sur, en veintiseis metros y cincuenta centésimas de otro (26.50), con el solar B-Dos (B-2); por el Este, en seis metros y sesenta y siete centésimas de otro (6.67), con los solares B-Doce (B-12) y B-Trece (B-13) y por el Oeste, en seis metros y sesenta y siete centésimas de otro (6.67) con la Calle número dos (2).

Enclava una estructura residencial con servidumbre de pared medianera que la comunica por su lado Norte con la estructura que enclava en el número cuatro (4) del Bloque "B" y por el lado Sur, con la estructura que enclava en el número dos (2) del Bloque "B" de la referida urbanización".

Plaintiff's mortgage was recorded at page 74, volume 104 of Barceloneta, property number 6,223, 5th inscription, at the Registry of the Property of Manatí, Puerto Rico.

WHEREAS: This property is subject to the following liens:

Senior Liens: None

Junior Liens: None

Other Liens:

Potential bidders are advised to verify the extent of preferential liens with the holders thereof. It shall be understood that each bidder accepts as sufficient the title and that prior and preferential liens to the one being foreclosed upon, including but not limited to any property tax liens (express, tacit, implied or legal), shall continue in

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effect it being understood further that the successful bidder accepts them and is subrogated in the responsibility for the same and that the bid price shall not be applied toward their cancellation.

WHEREAS: For the purpose of the first judicial sale, the minimum bid agreed upon by the parties in the mortgage deed will be \$36,000.00 and no lower offer will be accepted. Should the first judicial sale of the above described property be unsuccessful, then the minimum bid for the property on the second judicial sale will be two-thirds the amount of the minimum bid for the first judicial sale. The minimum bid for a third judicial sale, if the same is necessary, will be one-half of the minimum bid agreed upon the parties in the aforementioned mortgage deed. (30 LPRA 2721, Mortgage and Property Registry Act, Act. No. 198, Article 221, as amended).

WHEREAS: Said sale to be made by the United States Marshal is subject to confirmation by the United States District Court for the District of Puerto Rico and the deed of conveyance and possession to the property will be executed and delivered only after such confirmation.

NOW THEREFORE, public notice is hereby given that the United States Marshal, pursuant to the provisions of the Judgment hereinbefore referred to will, on the 12th of January, 2005 at 2:00 PM of said day, in the Office of the Marshal for the Superior Court

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of Puerto Rico, Arecibo Part, located at Centro Judicial, Ave. Los Rotarios, Arecibo, PR 00612, Puerto Rico, in accordance with 28 U.S.C. 2001, will sell at public auction to the highest bidder, the property described herein, the proceeds of said sale to be applied in the manner and form provided by the said judgment.

Should the first judicial sale set hereinabove be unsuccessful, the second judicial sale of the property described in this Notice will be held on the 19th of **January, 2005** at **2:00 PM** of said day, in the Office of the Marshal of this Court located at the address indicated above. Should the second judicial sale set hereinabove be unsuccessful, the third judicial sale of the property described in this Notice will be held on the 26th of **January, 2005** at **2:00 PM** of said day, in the Office of the Marshal of this Court located at the address indicated above.

In San Juan, Puerto Rico, this 24th day of November, 2004.

HERMAN J. WIRSHING
United States Marshal

By: _____

Roberto Schmidt
Legal Technician